

**BEFORE THE APPEALS BOARD  
FOR THE  
KANSAS DIVISION OF WORKERS COMPENSATION**

**THOMAS C. BAUGHMAN**  
Claimant

VS.

**THE BOEING COMPANY**  
Respondent

AND

**AETNA CASUALTY & SURETY**  
Insurance Carrier

AND

**KANSAS WORKERS COMPENSATION FUND**

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) Docket Nos. 181,682 & 181,683  
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**ORDER**

**ON** the 10th day of May, 1994, the application of the respondent for review by the Workers Compensation Appeals Board of an Award entered by Administrative Law Judge Shannon S. Krysl, dated March 3, 1994, came on for oral argument.

**APPEARANCES**

Claimant appeared by and through his attorney, Gary A. Winfrey of Wichita, Kansas. The respondent and its insurance carrier appeared by and through their attorney, Vaughn Burkholder of Wichita, Kansas. The Kansas Workers Compensation Fund appeared by and through its attorney, Vincent L. Bogart of Wichita, Kansas. There were no other appearances.

**RECORD**

The record as specifically set forth in the Award of the Administrative Law Judge is herein adopted by the Appeals Board.

**STIPULATIONS**

The stipulations as specifically set forth in the Award of the Administrative Law Judge are herein adopted by the Appeals Board.

**ISSUES**

- (1) What is the nature and extent of claimant's injury and disability?
- (2) What, if any, is the liability of the Kansas Workers Compensation Fund?

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

Having reviewed the whole evidentiary record filed herein, and in the addition the stipulations of the parties, the Appeals Board makes the following findings of fact and conclusions of law:

The Administrative Law Judge awarded claimant a two percent (2%) permanent impairment of function to the body as a whole as a result of the injuries suffered on October 9, 1991, in Docket Number 181,683. The Administrative Law Judge opined claimant had suffered a functional impairment only, having returned to work as a storekeeper with respondent at a comparable wage.

The claimant was awarded a forty-four and one-fourth percent (44.25%) permanent partial work disability as a result of injuries suffered on January 28, 1993, in Docket Number 181,682. As a result of the restrictions placed on the claimant after this injury, claimant was incapable of returning to work with the respondent and was not earning a comparable wage. Thus, claimant was entitled to a work disability having overcome the statutory presumption contained in K.S.A. 44-510e. Fifty percent (50%) of the liability in Docket Number 181,682 was assessed to the Kansas Workers Compensation Fund.

In reviewing the March 3, 1994 Award of Administrative Law Judge Shannon S. Krysl, the Appeals Board finds the award contained therein, as well as the Administrative Law Judge's factual findings and legal conclusions, to be appropriate and well supported by the evidence in this matter. The Appeals Board, therefore, adopts in toto the findings of fact, legal authority and conclusions of law in docket numbers 181,682 and 181,683 from said Award.

**AWARD**

**WHEREFORE**, it is the finding, decision, and order of the Appeals Board that the Award of Administrative Law Judge Shannon S. Krysl, dated March 3, 1994, shall be, and hereby is, affirmed in its entirety.

The fees necessary to defray the expense of the administration of the Kansas Workers Compensation Act are hereby assessed against the respondent and the Kansas Workers Compensation Fund to be paid as follows:

Barber & Associates	
Transcript of regular hearing	\$292.80
Deposition Services	
Deposition of Ernest R. Schlachter, M.D.	177.40
Deposition of Karen Crist Terrill	\$269.80
Deposition of Thomas Baughman	\$75.00
Deposition of Kenneth D. Zimmerman, M.D.	\$478.00
Deposition of Harry A. Morris, M.D.	\$257.80
Deposition of Lawrence Blatny, M.D.	\$350.20

**IT IS SO ORDERED.**

Dated this \_\_\_\_ day of December, 1994.

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BOARD MEMBER

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BOARD MEMBER

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BOARD MEMBER

c: Gary A. Winfrey, Wichita, KS  
Vaughn Burkholder, Wichita, KS  
Vincent L. Bogart, Wichita, KS  
Shannon S. Krysl, Administrative Law Judge  
George Gomez, Director